

1 LANE POWELL PC
2 Callie A. Castillo, WSBA No. 38214
3 Devon J. McCurdy, WSBA No. 52663
4 Angela Foster, WSBA No. 52269
5 Daniel Miller, WSBA No. 56810
6 1420 Fifth Avenue, Suite 4200
7 P.O. Box 91302
8 Seattle, Washington 98111-9402
9 Telephone: 206.223.7000
10 Facsimile: 206.223.7107
11 castilloc@lanepowell.com
12 mccurdyd@lanepowell.com
13 fostera@lanepowell.com
14 millerd@lanepowell.com (*admission to Eastern District of Washington*
15 *forthcoming*)
16 *Counsel for the Homeowners, Builders, and Suppliers*

17 BAKER BOTTS L.L.P.
18 Megan H. Berge (DC Bar No. 983714) (*pro hac vice*)
19 Thomas Jackson (DC Bar No. 384708) (*pro hac vice*)
20 Scott Novak (DC Bar No. 1736274) (*pro hac vice application forthcoming*)
21 700 K Street NW
22 Washington, D.C. 20001
23 202-639-1308

24 megan.berge@bakerbotts.com
25 thomas.jackson@bakerbotts.com
26 scott.novak@bakerbotts.com
27

28 Francesca Eick (WA Bar No. 52432)
29 401 S 1st, Suite 1300
30 Austin, TX 78704
31 512-322-2672
32 francesca.eick@bakerbotts.com
33 *Counsel for the Utilities*

34 **UNITED STATES DISTRICT COURT**
35 **EASTERN DISTRICT OF WASHINGTON**

36 JAMON RIVERA, an individual;
37 INLAND NW AGC, a membership
38 organization; SPOKANE HOME
39 BUILDER'S ASSOCIATION, a
40 nonprofit corporation;

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42 CASE NO. 1:23-cv-03070-SAB

43 132285.0009/9398702.1

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45 **DECLARATION OF JOEL WHITE**

46 LANE POWELL PC
47 1420 FIFTH AVENUE, SUITE 4200
48 P.O. BOX 91302
49 SEATTLE, WASHINGTON 98111-9402
50 206.223.7000 FAX: 206.223.7107

1 WASHINGTON STATE
2 ASSOCIATION OF UA PLUMBERS,
3 PIPEFITTERS AND HVAC/R
4 SERVICE TECHNICIANS, a labor
5 organization; CONDRON HOMES
6 LLC, a limited liability company;
7 PARAS HOMES LLC, a limited
8 liability company; GARCO
9 CONSTRUCTION INC., a for-profit
10 corporation, NATIONAL PROPANE
11 GAS ASSOCIATION, a national trade
12 association, CITIZEN ACTION
13 DEFENSE FUND, a nonprofit
14 corporation; AVISTA
15 CORPORATION; CASCADE
16 NATURAL GAS CORPORATION;
17 AND NORTHWEST NATURAL
18 GAS COMPANY,

19 Plaintiffs,

20 v.

21 WASHINGTON STATE BUILDING
22 CODE COUNCIL,

23 Defendant.

24
25
26
27 **DECLARATION OF JOEL WHITE**

18 I, Joel White, declare as follows:

19 1. I am the Executive Officer of the Spokane Home Builders Association
20 (“SHBA”), located in Spokane Valley, Washington. I have personal knowledge of
21 the facts set forth herein.

22 2. SHBA has been supporting the housing industry since 1947. SHBA
23 advocates diligently for pro-housing legislation and regulations in Washington state.

24 3. SHBA represents over 750 member companies in seven counties in
25 Washington, including Spokane, Whitman, Pend Oreille, Stevens, Ferry, Lincoln,
26 and Grant, and our members employ over 10,000 individuals in the construction
27 industry in Washington.

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1 4. The energy code provisions negatively impact our members in
 2 numerous ways.

3 5. The energy code provisions increase the cost of building homes and
 4 commercial buildings without an equivalent increase in value, reducing our
 5 members' margins or reducing buyers' returns on investment.

6 6. If our members pass on the cost of these code changes to the consumer,
 7 there will be fewer consumers who can purchase new construction homes from our
 8 members. Based on economic research from the National Association of Home
 9 Builders showing the impact of price increases on potential home buyers, for every
 10 \$1,000 increase in the cost of a home, 92 families in our market are priced out of the
 11 ability to purchase a new home. This is in addition to data showing that nearly 90%
 12 of our existing population already cannot afford a home at the median new home
 13 price.

14 7. All new home buyers will be impacted by these price increases but
 15 these costs will have an even greater impact on lower income home buyers who are
 16 struggling to qualify for financing. The upfront costs of a home are the greatest
 17 barrier to homeownership.

18 8. Furthermore, this change will negatively impact consumers who live in
 19 our region, where the temperature fluctuates immensely between seasons. By
 20 requiring electric heat pumps as a primary system in every home, the code
 21 effectively prohibits natural gas heating systems, unless they are a secondary system,
 22 and it is cost prohibitive for most homeowners to install both an electric heat pump
 23 and a natural gas furnace for reliable heat. The temperatures in our region can
 24 fluctuate over 100 degrees and homeowners require reliable heating and cooling
 25 systems to protect their lives. Without a backup heat source during electric outages,
 26 we have seen numerous stories where lives were lost. Many citizens throughout our
 27 territory are low-income and will not be able to afford a secondary heat source. The

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1 change in the energy code may drive consumers to purchase existing homes over the
2 new construction homes produced by our members. Ultimately, the energy code
3 provisions harm both homebuilders and consumers.

4 9. In short, the code changes decrease our members' profits—either by
5 causing them to absorb the additional cost of implementing two different heating
6 systems or by decreasing marketability of their product.

7 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the
8 foregoing is true and correct.

9 Executed on this 1st day of June 2023, at Spokane Valley, Washington.

Joel White
Joel White

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LANE POWELL PC
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P.O. BOX 91302
SEATTLE, WASHINGTON 98111-9402
206.223.7000 FAX: 206.223.7197